

# The Menu

A Newsletter of the Texas State Board  
of Examiners of Dietitians, Spring 2002

## **Changes on the Board Expected Soon**

Changes are coming soon in the composition of the board. The terms of the appointments of Patricia Krug and Linde Gibson expired September 1, 2001. Board member Dorothy Shafer, whose term expired September 1, 2001, passed away in October. We expect the governor's office to announce new appointments at any time.

Patricia Krug was elected as board chairman on December 3, 1999. If reappointed to the board, she is eligible to serve another term. A new board chair and vice-chair will be elected in 2002.

If you are interested in serving on the board or another state board, contact the governor's appointments office at (512) 463-1828 or (512) 475-2576, or visit the web site at [http://www.governor.state.tx.us/the\\_office/appointments/gen\\_info.htm](http://www.governor.state.tx.us/the_office/appointments/gen_info.htm). A completed application form, photograph and resume must be submitted in order to be considered for an appointment.

## **Council of Independent Board Chairs Created**

The Council of Independent Board Chairs was formed to encourage and foster communication among the boards and between each board and the Texas Department of Health. Patricia Krug, Chairperson of the Texas State Board of Examiners of Dietitians attended the first meeting of the Council on March 2001 in Austin at the Texas Department of Health's main campus. The Council met again in June 2001, and in September 2001 was invited to a luncheon with the new Commissioner of Health, Eduardo Sanchez, MD, MPH. The Council will meet again February 1, 2002.

The Council members have introduced

questions and concerns and sought information about department policies and procedures which impact professional licensing programs, funding for independent boards, budgets for licensing programs, staffing, maintenance and limitations of current software and the purchase of new software to support licensing functions. The Council is concerned about the Sunset Commission's review of regulatory programs the Bomer Report (see article elsewhere in this newsletter) and the TDH's response to these reports.

For more information about the Council, contact Patricia Krug by e-mail at [pmkrug@nixhealth.com](mailto:pmkrug@nixhealth.com) (or the current board chairperson) or Dr. Jim Zukowski, Director, Professional Licensing and Certification Division, Texas Department of Health by e-mail at [jim.zukowski@tdh.state.tx.us](mailto:jim.zukowski@tdh.state.tx.us).

## **Dorothy Shafer, 1931 – 2001**

Governor George W. Bush appointed Dorothy Bynum Shafer of Fredericksburg to the board as a public member on April 6, 1996. Dorothy faithfully served on the board until her death on October 26, 2001. Dorothy is survived by her husband Art, of 51 years, two daughters, and several grandchildren. The board members and staff will miss Dorothy very much, and sincerely appreciate the contributions Dorothy made to the board during her appointment as a public member. The board and staff sincerely extend their sympathy to the Shafer and Bynum families.

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### **Report by Mr. Elton Bomer (Bomer Report)**

The Texas Department of Health (TDH) requested the business practices evaluation and report to offer guidance in fulfilling its mandate under Rider 2 as contained in the General Appropriations Act, adopted by the 77th Legislature.

The Bomer report, dated August 31, 2001, is 76 pages long and may be accessed via the Texas Department of Health web page at <http://www.tdh.state.tx.us/evaluation/default.htm>

Appendix 2 includes a list of 94 recommended actions, target dates and identifies the responsible parties. Recommendation number 89 states,

"Recommend statutory changes to convert independent boards to advisory committees."

The target date is November 30, 2002, and the responsible parties listed on the report are the Commissioner of Health and the Board of Health. Please note that the board is not in agreement with the recommendation or involved in the process to change the board to an advisory committee.



### **Board Accomplishments 1999-2001**

The Board reviewed and readopted its rules with changes. The Board adopted rules relating to the qualification of licensed dietitians providing diabetes self-management.

The Board revisited the continuing education audit process. Because the method for selecting those to be audited cannot be changed due to the limitations of the software used to track and issue licenses, the Board directed staff to perform audits less frequently. This was implemented in October 2001.

Also, the Board directed staff to simplify its processing of continuing education submitted for license renewal. The staff continues to check the number of hours and the dates of completion for the reported continuing education programs and activities with all renewals. The staff verifies whether the program or activity was ADA-approved if the licensee was selected for audit.

Do you have suggestions about changes or improvements that protect the public or better serve our customers? We'd like to hear from you! Contact Donna Flippin, Executive Secretary, or

Karen Dlouhy at the Board office. Or if you prefer, please contact a board member. Board member contact information appears on the TSBED web page.

***Note: Board members should NOT be contacted about complaints, potential complaints or disciplinary actions against licensees.***

#### **TSBED Members, January 2002**

**Elizabeth Blakely, Georgetown**

**Lucinda Flores, RD, LD, Brownsville**

**Linde Gibson, RD, LD, Nacogdoches**

**Patricia Krug, RD, LD, San Antonio**

**Ralph McGahagin, RD, LD, Austin**

**Richard Roman, El Paso**

**Amy Scott, RD, LD, Spring**

**Gene Wisakowsky, RD, LD, Waxahachie**

### **Where are They Now?**

Former TSBED Executive Secretary Becky Berryhill is now the chief, Bureau of Licensing and Compliance, Texas Department of Health. After stints in the TDH regional offices in Lubbock and Tyler, Becky returned to Austin in 2000 to head the bureau office.

Debra Owens, RD, LD, formerly with the Health Facility Licensing and Certification Division and the Diabetes Program/Texas Diabetes Council, now serves as the chief, Bureau of Vital Statistics, Texas Department of Health.

**The Menu** is the official publication of the Texas State Board of Examiners of Dietitians and is published by the Texas Department of Health.

A free copy of **The Menu** is included with licensure and upon request from non-licensees. Licensees and interested persons are responsible for notifying the board of any address changes. The Board is not responsible for lost, misdirected or undelivered correspondence, including forms and fees, if the item was sent to the last address reported to the Board.

The Board and staff welcome your comments and suggestions. For comments concerning the content of this newsletter, suggestions for future articles, or information, please contact the Board using the information provided on page 4 of this newsletter.

## Licensure Boards, Credentialing Boards & Professional Associations

Board staff are often given the opportunity (or challenge) to explain to licensees and/or members of the public the difference between the licensing board (TSBED) and the professional association (TDA or ADA) and between the licensing board (TSBED) and the credentialing board (CDR).

The Texas Legislature through a bill that becomes law establishes a licensing board. In this case it is known as the Licensed Dietitian Act, now found in the Texas Occupations Code, Chapter 701. The TSBED was established in 1983 and is a nine-member board consisting of six professional members who are licensed dietitians and three members of the general public appointed by the governor with the consent of the Texas Senate. The appointments are for six-year terms, or for the balance of the six-year term if the appointment is made after September 1 of odd-numbered years, or if a member dies or resigns.

General powers and duties of the dietitians' board are to adopt an official seal; adopt and publish a code of ethics; establish the qualifications and fitness of applicants for licenses, including renewed and reciprocal licenses; revoke, suspend, or deny a license, probate a license suspension, or reprimand a license holder for a violation of the Licensed Dietitian Act, a board rule, or the code of ethics; spend money necessary to properly administer the board's duties; and establish reasonable and necessary fees to administer the Licensed Dietitian Act.

The board has adopted rules relating to the application, license and renewal procedures including requirements for the initial license and continuing education. The board has also adopted a code of ethics and procedures for processing complaints. The board grants a license to practice and then regulates that practice through a set of administrative rules. The dietitian rules are found at Title 22. Texas Administrative Code, Chapter 701.

A professional association, on the other hand, is an advocate or voice of a given profession. Webster defines an association as "an organization of persons having a common interest," "a society of colleagues." An association uses the strength of its participants to protect the integrity of the profession or occupation.

The TDA provides leadership and professional development activities, facilitates local and

statewide networking and is a voice in the Texas Legislature and in governmental affairs, as well as other activities. The association may "lobby" for the benefits of its members or for the public (patients and clients), which its members serve. The Texas Dietetic Association (TDA) has the following mission statement posted on its website:

"TDA is a professional organization whose mission is to promote optimal nutrition and well being for all people by advocating for its members. The TDA vision is that its members are the leading source of food and nutrition services in the State of Texas."

The Commission on Dietetic Registration (CDR) is the credentialing agency for the American Dietetic Association. The CDR will exist to serve the public by establishing and enforcing standards for certification and the code of ethics and by issuing credentials to individuals who meet these standards. The CDR has sole and independent authority in all matters pertaining to certification including but, not limited to standard setting, establishment of fees, finances and administration.



More than 75,000 dietitians and dietetic technicians across the country and the world have taken CDR exams over the past several decades. CDR currently awards five separate and distinct credentials: Registered Dietitian (RD), dietetic technician, registered (DTR), Board Certified Specialist in Renal Nutrition (CSR), Board Certified Specialist in Pediatric Nutrition (CSP), and Fellow of the American Dietetic Association (FADA). The Commission consists of 11 members who serve a three-year term. Ten members are elected by credentialed practitioners, RDs and DTRs. These elected members include seven RDs, one RD (Continued on next page)



### **Board Contact Information:**

**Phone: 512/834-6601**

**Fax: 512/834-4518**

**Web page:**

**<http://www.tdh.state.tx.us/hcqs/plc/diet.htm>**

**E-mail: [dietitian@tdh.state.tx.us](mailto:dietitian@tdh.state.tx.us)**

(Continued from previous page) Specialist, one RD Fellow, and one DTR. In addition, a public representative is appointed to the Commission and has full rights and privileges.

Distinctive differences exist among a licensing board, a professional association and a credentialing board. The licensing board licenses qualified individuals, enforces the licensing law to the extent authorized, and disciplines licensees who do not comply with the board rules.

The licensing board has the authority to deny a license, suspend a license or revoke a license. In addition, there are criminal penalties for using certain titles or abbreviations in association with one's name if the person is not a licensed dietitian.

The credentialing agency grants credentials to qualified individuals and may have requirements to maintain the credential. While the agency may withdraw a credential if the person does not meet certain standards, it usually does not have the authority to order an individual to cease practicing a particular profession. Often there is only a civil penalty if a person who is no longer credentialed continues to use a title granted by the credentialing agency.

The professional association advocates for a profession in the marketplace, with healthcare organizations, providers, or insurers, government benefit programs (WIC, Medicare for examples), as well as with elected officials.

As a licensed dietitian in the State of Texas it may serve you well to keep in mind the different functions of the three organizations. If you find yourself in a quandary, ask yourself, "Am I being regulated or represented?"



## Complaints Against Dietitians

Many of the complaints received by the Texas State Board of Examiners of Dietitians were filed by the Texas Department of Human Services as a result of a compliance survey or complaint investigation of a long-term care facility.

If you work in, or are a consultant to, a long-term care facility you should take steps to make a record of and follow up on your recommendations to the food service supervisor, director of nurses, facility administrator, or other staff responsible.

**Always:** Record the dates and times you were at the facility. Make a list of those residents whose

records you reviewed. Make a list of the facility personnel you communicated with on each visit and the nature of your communication. Keep a written record of your recommendations or suggestions. Give deadlines for implementing your recommendations and follow up on the progress.

**If necessary**, visit the facility at meal time to verify that dietary orders are being carried out and tape record your follow up conversations with personnel concerning any recommendations that were not carried out. Immediately report any suspected neglect or abuse of the sick and elderly in long-term care facilities to the Department of Human Services (800-458-9858). Finally, consider terminating your relationship with any facility that fails to provide the appropriate standard of care to its clients or patients.

**These suggestions** and recommendations are not exhaustive. If you have suggestions, observations or standards of practice that you would like to share which might help others avoid being the subject of a complaint, please contact the Texas Dietetic Association, your local TDA Chapter, or the Board Office by phone at 512-834-6601, or via e-mail at [dietitian@tdh.state.tx.us](mailto:dietitian@tdh.state.tx.us).

## Sunset Review of TDH

In 1993, the Texas State Board of Examiners of Dietitians (Board) underwent Sunset Review. The recommendation of the Sunset Commission was to continue the Board for another 12 years. In 1999, the Texas Department of Health (TDH) had its Sunset Review. As a result of the TDH review process in 1999, HB 2085 (76<sup>th</sup> Legislature, 1999) required TDH to better coordinate and align its programs and activities.

To achieve that, the TDH developed the *Comprehensive Strategic and Operational Plan: A Blueprint for Public Health Improvement (Blueprint)*. You can find a copy of the *Blueprint* on the TDH web site at <http://www.tdh.state.tx.us/stateplan01/BPIndex.htm>

One of the targets of the blueprint is to "strengthen regulatory activities." The Regulatory Review Task Force was created to coordinate the evaluation of all TDH regulatory programs. Several teams were formed to determine how the TDH could improve its business practices.

Donna Flippin, TSBED Executive Secretary, is a member of Team 6 which is making recommendations regarding how TDH regulatory programs can "strategically manage (their) resources."

Next Board Meeting: August 2, 2002 in Austin



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